

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EARTHA L. MCMILLER,

Plaintiff,

vs.

METRO, et al.,

Defendants.

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No. 4:09-CV-157 (CEJ)

MEMORANDUM AND ORDER

This matter is before the Court on the motion of defendant Metro to strike plaintiff's pleading titled "Amendment to My Improper Dismissal." Plaintiff opposes the motion, and the issues are fully briefed.

Discussion

Rule 15(a), Fed.R.Civ.P., "governs the pretrial amendment of pleadings and states that where an amendment is not sought 'as a matter of course'-as defined by the Rule-'a party may amend its pleadings only with the opposing party's written consent or the court's leave.'" Sherman v. Winco Fireworks, Inc., 532 F.3d 709, 715 (8th Cir. 2008), citing Fed.R.Civ.P. 15(a)(2). Rule 13(f), Fed.R.Civ.P., states that "[t]he court may permit a party to amend a pleading to add a counterclaim if it was omitted through oversight, inadvertence, or excusable neglect or if justice so requires."

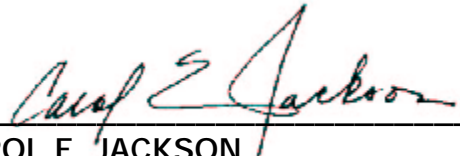
The Case Management Order entered in this case established May 15, 2009 as the deadline for joinder of additional parties or amendment of pleadings. (Doc. #15, at 1). On August 21, 2009, the Court dismissed this action with respect to defendant Louis Brown. On October 2, 2009, plaintiff filed a pleading titled

"Amendment to My Improper Dismissal," which describes plaintiff's conversations and meetings with defendant Louis Brown and his wife as well as plaintiff's interview process with defendant Metro. Because plaintiff did not seek leave of court before filing her amendment, the Court will strike the pleading in its entirety.

Accordingly,

IT IS HEREBY ORDERED that the motion of defendant Metro to strike [Doc. #43] is granted.

IT IS FURTHER ORDERED that plaintiff's pleading titled "Amendment to My Improper Dismissal" is stricken.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 20th day of November, 2009.